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I. LAND AND PEOPLE

1. The Republic of Panama, which has been an independent nation since 1903, is located on the isthmus of Panama at a latitude between 7° and 10° north and a longitude between 78° and 83° west. It is bounded to the north by the Caribbean Sea, to the south by the Pacific Ocean, to the east by the Republic of Colombia and to the west by the Republic of Costa Rica.

2. The total land area is 75,519 km^2 and the population, according to the last national population and housing census, taken in May 1990, was 2,329,329. The population is composed of heterogenous ethnic, cultural and linguistic groups.

3. Article 35 of the National Constitution, adopted in 1972 and amended in 1978 and 1983, provides that: "The profession of all religions is free, as is the practice of all forms of worship, without any limitation other than respect for Christian morality and public order. It is recognized that the Catholic religion is that of the majority of Panamanians".

II. SOCIO-ECONOMIC INDICATORS

4. An updated set of socio-economic indicators for the period 1990-1991 is given below:

Per capita income	US$	2 120
Gross national product		9.3%
Inflation rate		3.3%
Foreign debt		4 937.5 million
Unemployment rate		20.4%
Literacy rate		11.8%
Life expectancy		72.1 years
Infant mortality rate		22.9%
Maternal mortality rate		3.6%
Fertility rate		3.1%
Population under 15 years of age		47.1%
Population over 65 years of age		47%
Population in rural areas		46%
Population in urban areas		54%
Percentage of heads of household who are women		22 women per 100 households

5. The economic indicators point towards steady growth of the Panamanian economy as a result of the reactivation of key sectors such as construction and exports of goods and services, together with a significant increase in private consumption, as reflected in the 25.7 per cent and 14.8 per cent increases in retail and wholesale trade, respectively.

6. In addition, the noticeable increase in population between 1911 and 1990 (see annex 1) is attributable mainly to the high birth rates and low mortality rates recorded as a result of the public health care provided.

III. GENERAL POLITICAL STRUCTURE

7. Title I of the Constitution of the Republic of Panama determines how the Panamanian State is organized.

> "Article 1: The Panamanian nation is organized as a sovereign and independent State and its name is the Republic of Panama. Its Government is unitary, republican, democratic and representative.
>
> Article 2: Public power emanates from the people alone. It is exercised by the Government in accordance with the Constitution, through the legislative, executive and judicial branches.
>
> Article 5: The territory of the Panamanian State is divided politically into provinces, which in turn are subdivided into municipal districts and the municipal districts into electoral districts ('corregimientos').
>
> The law may create other political divisions either in order to make them subject to special regulations or for administrative convenience or as a public service."

8. The national territory also includes the San Blas region which was created by Act No. 2 of 1938 and consists of the mainland area along, and the islands off, the coast of the Caribbean Sea. The Emberá de Darién region was established by Act No. 22 of 8 November 1983 delimiting the boundaries of the districts of Chepigana and Pinogana in Darién Province.

A. The Executive Power

9. According to the provisions of the National Constitution, the executive power is composed of the President of the Republic and the Ministers of State (title VI, chap. I, art. 170).

10. The executive power has two broad areas of responsibility: the central Government and the decentralized institutions. The central Government consists of the Office of the President of the Republic, the Council of Ministers, the General Council of State, the executive advisory commissions and the 12 ministries. It formulates overall public policy and decides how it is to be implemented. The decentralized institutions consist of all the autonomous and semi-autonomous public institutions that are responsible for performing Government functions and implementing Government programmes in accordance with the policies the Government adopts.

B. The Legislative Power

11. The main activity of the legislative power is the enactment of the necessary laws for the achievement of the objectives and performance of the functions of the Government as referred to in the Constitution of the Republic.

12. In this connection, article 140 of the Constitution provides:

"The legislative power shall consist of a body called the Legislative Assembly whose members shall be nominated by a party and who shall be elected by a direct popular vote, as established by the Constitution."

13. At present the Legislative Assembly is composed of 67 legislators, who are elected for a period of five years and who act in the interests of the nation. They represent their own electors and their respective political parties in the Assembly. The breakdown of legislators by political party is as follows:

(a)	Christian Democrat Party	28 seats
(b)	Republican Liberal Movement	15 seats
(c)	Authentic Liberal Party	6 seats
(d)	Arnulfo Arias Party	6 seats
(e)	Democratic Revolutionary Party	10 seats
(f)	Labour Party	1 seat

14. The governing body of the Legislative Assembly is composed of the president, the first vice-president, the second vice-president and the secretary. There are also 15 standing committees composed of nine members each. Each committee consists of a president, a vice-president and a secretary, elected from among the members of each committee by a majority of votes.

C. The Judicial Power

15. In accordance with the Constitution, the Panamanian judiciary is one of the three powers of the State. Since the establishment of the Republic of Panama as a sovereign and independent State, the Constitution has contained a section on the administration of justice by the judiciary.

16. The 1972 Political Constitution of the Republic of Panama, as amended by the 1978 Amendment Acts and the 1983 Constitutional Act, provides for the division of the administration of justice, in title VII, chapters I and II.

17. Article 199 of the Political Constitution reads:

"The judicial power shall consist of the Supreme Court of Justice and such courts and tribunals as the law may establish".

Subsidiary judicial bodies

18. The Public Prosecutor's Department assists in the administration of justice and in conformity with the principles of the Constitution, serves

to represent the interests of society. In this connection, title VII, chapter II, on the administration of justice reads:

> "Article 216: The duties of the Public Prosecutor's Department shall be performed by the Attorney-General of the Nation, the Procurator for Administration, the prosecutors and solicitors and any other officials appointed by law. The duties of the Attorney-General of the Nation may be delegated, as provided for by law, to officials of the Public Prosecutor's Department."

IV. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Judicial and administrative authorities with jurisdiction affecting human rights

19. Generally speaking, the scope of human rights is so broad that all the national authorities of the Republic of Panama may be said to be involved in some way in the protection of fundamental human rights. "The authorities of the Republic are established in order to protect the life, honour and property of nationals, wherever they may be, and of any foreigners under their jurisdiction; to guarantee the effectiveness of individual and social rights and duties; and to give effect to and enforce the Constitution and the law".

20. However, it is obvious that, within this system, the judiciary as a whole (the Supreme Court of Justice, the judicial district superior courts and circuit and municipal courts), the public Prosecutor's Department and the Ministry of the Interior and Justice have greater responsibility because their constitutional and legal functions are closely linked with the protection of the human rights of nationals or foreigners who are resident or temporarily in the national territory.

21. With regard to jurisdiction, Act No. 19 was adopted on 9 July 1991 Article 11 establishes that administrative proceedings for the protection of human rights come under the jurisdiction of the third division of the Supreme Court of Justice.

B. Remedies available to persons who claim that their rights have been violated and systems of compensation and rehabilitation

22. There is a wide range of constitutional and legal proceedings, motions and remedies available to safeguard human rights.

23. At the constitutional level, there are established guarantees such as the remedy of habeas corpus which protects personal freedom (art. 23 of the Political Constitution); proceedings for the protection of constitutional safeguards against orders which are issued by any public servant and which violate subjective rights (art. 50); and the action and claim of unconstitutionality which any person or party to a proceeding may bring before the Supreme Court of Justice to challenge, on grounds of substance or form, the constitutionality of Government laws, decrees, agreements, decisions and acts for the purpose of having them repealed (art. 203).

24. In criminal, civil, administrative, labour, commercial and administrative policing matters, the law provides for a number of proceedings, motions and remedies whose exercise is fully regulated by ordinary law. These include the motions of objection during the investigation stage of criminal proceeding, motions of nullity, appeals for reconsideration, remedies of appeal and appeals for dismissal and for review.

25. With regard to the systems of compensation and rehabilitation, article 1645 of the Civil Code provides that the State is jointly responsible for any damages caused as a result of fault or negligence on the part of public servants if it acted through a particular official. Article 129 of the Penal Code also provides that the State is liable to pay civil compensation when an accused person obtains dismissal after having been held in pre-trial detention for more than one year. In general terms, moreover, the provisions of Judicial Code make it possible for proceedings to be brought against the Nation and the autonomous and semi-autonomous institutions to obtain compensation for loss or injury suffered by persons whose rights have been violated, if such loss or injury was caused by public servants.

26. With regard to rehabilitation, article 28 of the Constitution provides that the prison system is based on the principles of security, rehabilitation and protection of society and it prohibits the use of methods that are harmful to the physical and moral integrity of detainees. It also provides for the training of detainees in jobs that will enable them to become useful members of society.

C. Protection of human rights referred to in the various human rights instruments

27. To begin with, the fundamental human rights recognized in the Political Constitution may be denied only by means of the provisions of title III, article 308, amendments to the Constitution. This is a rigid system according to which amendments are made by:

(a) A legislative act adopted in three debates by the Legislative Assembly in more than one session of the legislature;

(b) A legislative act adopted in three debates by the Legislative Assembly, in one session of the legislature, but submitted to a popular referendum.

28. Under the Constitution, the human rights referred to in international declarations, conventions and protocols have the force of formal law because they have to be ratified by the Legislative Assembly; they may thus be repealed by Panama's legislative body through the exercise of its legislative functions.

D. Way in which human rights instruments are made part of the national legal system

29. As explained in the preceding paragraph, human rights instruments are incorporated into the national legal system on approval, by the Legislative Assembly of international treaties and conventions concluded by the executive

power through a formal law (art. 153, para. 3, of the Constitution). They nevertheless continue to be rules of international law which are binding on the Republic of Panama (art. 4 of the Political Constitution).

E. Can the provisions of the human rights instruments be invoked before, or directly enforced by, the courts or administrative authorities, or must they be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned?

30. Under the Constitution of Panama, human rights declarations may be invoked before the law courts or before the administrative authorities only after they have been transformed into internal law through approval by the Legislative Assembly of the international treaties and conventions which contain them and which have been concluded by the executive power.

F. National institution or body for monitoring the implementation of human rights

31. In principle, both the Public Prosecutor's Department and the judiciary must ensure the protection of human rights in accordance with the Constitution and the laws. In addition to these institutions and other authorities of the Republic, non-governmental organizations such as the Panamanian Committee for Human Rights, and the Catholic Church monitor the implementation of human rights in Panama.

ANNEX

TABLE 1: POPULATION OF THE REPUBLIC BY PROVINCE: CENSUSES FROM 1911 TO 1990

	Total	Bocas del Toro	Coclé	Colón (1)	Chiriquí	Darién	Herrera	Los Santos	Panamá	Veraguas
POPULATION										
1911	336,742	22,732	35,011	32,092	63,364	8,992	23,007	30,075	61,855	59,614
1920	446,098	27,239	45,151	58,250	76,470	10,728	28,984	34,638	98,035	66,603
1930	467,459	15,851	48,244	57,161	76,918	13,391	31,030	41,218	114,103	69,543
1940	622,576	16,523	55,737	78,119	111,206	14,930	38,118	49,621	173,328	84,994
1950	805,285	22,392	73,103	90,144	138,136	14,660	50,095	61,422	248,335	106,998
1960	1,075,541	32,600	93,156	105,416	188,350	19,715	61,672	70,554	372,393	131,685
1970	1,428,082	43,531	118,003	134,286	236,154	22,685	72,549	72,380	576,645	151,849
1980 (a)	1,805,287	53,487	140,903	162,454	287,350	26,524	81,963	70,261	809,100	173,245
1990 (a)	2,329,329	93,361	173,190	202,338	370,227	43,832	93,681	76,947	1,072,127	203,626
ANNUAL GROWTH RATE (per 100 inhabitants)										
1911										
	3.17	2.03	2.86	6.85	2.11	1.98	2.60	1.58	5.25	1.24
1920										
	0.47	-5.57	0.66	-0.19	0.06	2.25	0.68	1.76	1.63	0.43
1930										
	2.76	0.39	1.38	3.01	3.56	1.04	1.97	1.78	4.05	1.92
1940										
	2.56	3.02	2.69	1.41	2.15	-0.18	2.71	2.11	3.59	2.28
1950										
	2.94	3.83	2.45	1.58	3.15	3.01	2.10	1.40	4.14	2.10
1960										
	3.06	3.12	2.54	2.60	2.43	1.50	1.74	0.27	4.76	1.52
1970										
	2.37	2.08	1.79	1.92	1.98	1.58	1.23	-0.30	3.44	1.33
1980										
	2.58	5.73	2.08	2.22	2.57	5.15	1.34	0.91	2.85	1.63
1990										

(1) The population of the San Blas region is included for purposes of comparison.

(a) Excluding the civilian and military population residing in areas under United States military control in the provinces of Panama and Colon.